[G. S. 57.]

File No. 335-14
Serial Nos. 1 to 4
1914-15

GENERAL AND REVENUE SECRETARIAT.

(Courts)

Preserve for 3 yrs

Part A: Manuscript
for October 1917
Classification and qualification of Pleaders
Serial Nos. 1 to 4.

Under reference
GS-171-17 (1-3)
Ms-263-24, 102

GPE—5,000—20-3-06.

G. R. S. 11] 1914.

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 335-14

File Heading.

Classification and qualifications of Pleaders

From

No.	Dated	Received

Diary No.	Enclos.	Spare Copies.	Serial No.

Brief Abstract of Letter.

Courts 335-14

2 14

SUBJECT No. 42.-14

Classification and qualification of legal practitioners.

(a) Messrs. C. Chennakesavaiya, Krishi Silpabhi Vardhaka Samaj, Chitaldrug, and Sanjeeva Rao, Chitaldrug taluk, and

(b) Mr. Volabatti Devappa, Gundlupet taluk.

Summary of discussion.—(a) At present, there are 3 classes of practitioners, Advocates, First Grade Pleaders and Second Grade Pleaders. Many Second Grade Pleaders are in no way inferior to some First Grade Pleaders. The Matriculation Examination is superseded by the School-leaving Certificate Examination. Now those who have passed the Matriculation Examination can appear for the Pleaders' test. As Matriculation is given up here it may be ruled that only those who have passed the F. A. or the Intermediate Examination be allowed to appear for the Pleaders' Test and that there shall be only 2 classes of Legal Practitioners—Advocates and Pleaders—the distinction of 1st and 2nd grade being abolished. Before a person is permitted to enrol himself as a Pleader he should produce a certificate of apprenticeship for one year under any Advocate or Pleader who has had an approved practice of 5 years in the courts of Munsiffs and Magistrates of a district. He should also be permitted to appear and plead and act in all Sub-Courts and District and Sessions Courts. The fee for the annual certificates may be the same for all Pleaders.

(b) It is requested that, besides Matriculates, persons who pass the School Final Examination may be permitted to appear for the Pleadership Examination.

Mr. Channakesavaiya said that, as the Secondary School-leaving Certificate does not declare a candidate as having passed the examination, the First in Arts or the Intermediate should be made the minimum qualification for admission to the Pleadership Examination. *Mr. D. Venkataramaiya* represented that the standard of educational qualifications necessary for lawyers should be raised while *Mr. Girimaji Rao* pointed out that in Bombay, Matriculates could become High Court Vakils and that the standard of general education required of the candidates need not be raised.

Reply of Government—

(a) Noted for consideration.

(b) This has been done.

1) Subt with a draft

3

4.5.15

2) Issue

11/5

Bombay No J 37528 6-5-15

So the Registrar of Courts

Calls for opinion in the matter.

P.T.O.

SUBJECT No. 16.—15

Removal of distinction between first and second grade pleaders.

Mr. B. Kesavaiya, Chikmagalur taluk.

Summary of discussion.—The distinction between first and second grade pleaders may be removed.

Reply of Government.—The whole question is under the consideration of Government.

Ch 335-14 Smo

Cf 335-14

SUBJECT No. 33.

Pleaders' examination.

Messrs. H. Krishna Sastri, Krishnarajpete taluk, Venkatasamiah, Chamrajnagar taluk, Sitharamiah, Hunsur taluk, and M. D. Narasimha Iyengar, Sri Yadugiri Sadananda Vardhini Sabha, Melkote.

Summary of discussion.—Matriculates are allowed to appear for the Local Service and Pleaders' Examinations. It is understood that Government contemplate that only candidates who have passed Intermediate examination should be allowed to appear for it. As there is a number of candidates who have already passed some of the examinations in view to qualify themselves as pleaders, those who have already passed a portion of the Local Service and Pleaders' examinations may be exempted from the operation of the rules under consideration.

Mr. B. V. Narayana Rao said that no examination higher than the Matriculation need be insisted upon.

Reply of Government.—Will be noted for consideration.

PTO

AD 1223—GPB—60,000—1-12-16—S.

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G. R. S. III-2]

General and Revenue Secretariat. | Cls File No. 335 of 1914.

Serial No.	
2.	To the Registrar, Chief Court, no J 4364 d 5.5.16. Calls for the opinion of the Judges of the Ch. Ct regarding the classification and qualification of pleaders and also their views on the question of exempting persons contemplating to qualify under the existing rules from the operation of the new rules.
3.	From the Registrar Ch. Ct. R. dtd 349 d 24/28-11-16 Furnishes the opinion called for. 5) The exhaustive communication deals not only with the subjects of the R. a. referred for opinion but also an alternative proposal for holding a pleadership examination to be prescribed by the Ch. Ct is made. It is said that the Judges prefer the latter & that detailed proposals would be made if Govt should approve of it. 6) As regards the R. a. subjects themselves it is said that the Judges are in favour of (1) raising the general educational qualification to the F. A or Intermediate Standard, (2) abolish the distinction between 1st & 2nd grade pleaders & (3) of restricting pleaders of less than 5 years Standing to the Ch of Commissrs & Magistrates; that as regards uniform Scale of fees they consider that Rs 10/- may be levied from pleaders if proposals 1 to 3 are adopted & that there is no particular

NOTE—Contn. sheet.

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ND 1283—GPB—60,000—1-12-16—S.

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G. R. S. III-2]

General and Revenue Secretariat. | File No. of 191 .

Serial No.

reason why it should be the same in all cases & that they do not think it necessary for candidates to undergo any course of apprentice ship.

7) As pointed out in the letter itself the restrict of the right of audience of pleaders to the Courts of Munsiffs & Magistrates is not what is prayed for in the R.a.

8) As regards the bringing of the new rules into operation a period of 2 years is proposed for those contemplating to qualify under the present rules. Petitions have been received asking for a period of 5 years.

Issued Proceedings
29/12/16

A copy of the legal practitioners (Pleaders relating to their entry)

23 9) The D.R.A representations refer to the following points :.

1. Only those who have passed the 7th or the Intermediate Examination should be permitted to appear for Pleadership Exami
2. The distinction between the First and Second Grade Pleaders should be abolished
3. All Pleaders should undergo a period of Apprenticeship before enrolment.
4. Fees for annual certificate should be the same,
5. If rules are modified, those who have

NOTE—Contn. sheet.

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G. R. S. 12]

General and Revenue Secretariat. | File No. of 191 .

Serial No.

already qualified themselves in part should be accepted.

10) In regard to the first point, there was some public outcry on the part of some of the Bar members for raising the general qualification under the existing rules, a matriculate or one who has accepted School Learning certificate can appear for the Second Grade Pleadership Exam. In British India, admission to the Second Grade ceased years ago, and the minimum educational qualification prescribed for First Grade is that of a graduate. As observed by the Chief Court, some general education and is necessary and a knowledge of English is essential as all the law reporting is done in English. The question is what standard may be fixed. The Chief Court are in favour of raising the standard as proposed in the DRA. The Suggestion, if approved, may be adopted, and the necessary modifications may be introduced in the rules. The corresponding examination in the Aligarh University may also be mentioned.

Page 2 Supra

11) The Chief Court are not in favour of the apprenticeship and as there is no analogy for such a course any where in British India, the proposal may have to be rejected.

para 21

12) Along with the Second proposal the Chief Court also have considered the question

NOTE—Contn. sheet.

GPB—70,000—17-12-15

G. R. S. 12]

General and Revenue Secretariat. | File No. of 191 .

Serial No.

that no Pleader with less than 5 years practice shall practise in the Sub Court or the District Court.

13) The raising of the standard will naturally abolish the distinction between the two grades unless the Second point raised above is sanctioned. The Judges have very clearly pointed out both the disadvantages and the advantages of adopting this suggestion and though they seem to side with the Bar association and some of the judicial officers who have approved of the proposal, they have raised sufficient doubt as to the utility of the test proposed. There does not appear to be any such test by lapse of time anywhere in British India. The examination and general qualification test being the same, mere efflux of time in respective of the qualification does not appear to be a proper criterion for differentiating one class of Pleaders from the other.

14) If Pleaders with less than 5 years experience are not given full privileges as proposed above, then the Chief Court recommend that a certificate by B.O. be insisted from them. Otherwise, there will be uniformity and no change is required.

2 para 14 etc seq

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GPB—70,000—17-12-15

G. R. S. 12]

General and Revenue Secretariat. | File No. | of 191 .

Serial No.

15) The chief court have favoured also the fifth point, and if the standard is raised as proposed it seems but equitable that one extra year's time is given to those who have already partly qualified themselves for the profession under the existing rules.

16) The chief court also suggest also mention their proposals for the consideration of Government. They are :-

1. Pleaders should be permitted to practise only in the Munsiffs' Courts and the Magistrates' courts and in the small cause side of the higher Courts and the Advocates in all Courts.

2. Pleadership Examinations should be conducted by the chief court, but that if the present system is retained, apart in the first class cases may be prescribed.

17) As regards the first suggestion, it appears to be somewhat revolutionary in character. Even in British India where the number of law graduates is increasing year by year, the Pleaders have not been prohibited from appearing in the Sub Courts and the District Courts. The suggestion is not likely to meet with the approval of the public and they have had no opportunity of

(17)

NOTE—Contn. sheet.

GPB—75,000—17-12-15

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G. R. S. 12]

General and Revenue Secretariat. | File No. | of 191 .

Serial No.

representing their case. If approved, this proposal may be for the considered after some years in consultation with the members of the bar and the R.A. Exam

18) In regard to the second suggestion, it may be pointed out that there are not sufficient number of candidates for the Pleadership Examination for conducting a separate Examination. The cost will be prohibitive. If the Second Grade Pleadership Examination is abolished as proposed above, then even under the existing Rule, the Candidates are required to pass in the first class in all the subjects before they can be admitted as First Grade Pleaders. No modification will therefore be necessary on this point.

19) If the above views are approved, then amendments in the Legal Practitioners Regn and the Rules will be necessary. 20) Submitted for favour of orders

Sd/- ...

First Member

1967
23.2

21) Let us consult the L.S. Examination Board on these suggestions at the 14th next. Then we meet. The papers need not be circulated as there is not time enough for that

10/4

NOTE—Contn. sheet.

GPB—70,000—17-12-15

G. R. S. 12]

General and Revenue Secretariat. | Ets. File No. 335 of 1914-15

Serial No.

22) The Local Service and Pleadership Examination Board met on the 14th instant, and they are of opinion

1. that there shall be only one class of Pleaders, viz the First Grade;
2. that the minimum qualification for admission to the Exam shall be the B.A degree of the Madras,
3. that the Service Exam shall be separate from the Pleadership Exam, and that the latter shall be conducted by the Chief Court;
4. that the restriction by way of apprenticeship, limiting the practice of particular candidates, shall not be imposed, and to
5. that the Pleaders shall continue to have the same privileges of practising in all courts except the chief court, and of being entitled as an Advocate after 5 years practice.

CS ai

Ex. Secy to Govt 18.4.17

2793/19/4/17

First Member) 23) Left. Please take action

16/4 Ex. Secy to Govt.

6092/21-4-17

24) May be circulated & considered at a meeting of Council.

20.4.17.

2nd Member) Dewan) 5/4/17

Ex. Secy 20/4

NOTE—Contn. sheet 26 CS ai

[illegible]—50,000—17-12-15

(For Disposal at a Meeting)

No. C. 9

10 : 7 : 1917

GENERAL AND REVENUE SECRETARIAT.

COUNCIL MATTER.

SUBJECT.

(Clause viii of the Schedule)

Proposals for certain changes in the classification and qualification of pleaders.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

D. M. Narasimha Rao

Secretary to Government.

4th July 1917.

Extraordinary Member of Council. 16.7.17.

First Member of Council. Opinion recorded.

235 10-7-17

Second Member of Council.

WD 2670—GPB—1,000—11-5-17

13

(7) 113

-Clause viii of the Schedule.

posals for certain changes in the
lation and qualification of plea-

NION OF THE COUNCIL.

econd grade of pleaders
abolished.
ie general qualifi cation
be the University Entrance
er.
the Pleadership Exam
ducted by the Chief Court
grap-aders on these lines &
bring up at next meeting

cly

Answers

1. Yes. Existing rights will remain unaffected till they die out.
2. Yes. Now the intermediate in Art is the minimum qualification required for the first grade. One may have the Art after passing 1st year Engineering Examn.
3. Under the existing rule, he should be a graduate Pleader for 5 years.

but)

Assessor to
Please submit a
draft under on the
above lines

CSS.
14/9/17

14/9.

Submitted with draft Ro.

CSS
18/9

Secy)

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1912

WD 1233—GPB—60,000—1-12-16—S.

13

G. R. S. III-2]

General and Revenue Secretariat. | ch File No. 335 of 1914

Serial No.

36

The file is re-circulated to Council, with a draft order, as directed at the last meeting.

C. S Balasundaram 24/9/17

1239 24/9/17

37 Approved 24/9 m.K.

38 Approved 25-9

17

NOTE—Contn. sheet.

Extract from the Proceedings of the 433rd Meeting of the Council of His Highness the Maharaja, held at Bangalore, on the 27 th September 1917 .

40

3. Subject.-Clause viii of the Schedule.

Changes in the classification and qualifications of Pleaders.

OPINION OF THE COUNCIL.

41 The draft order may be approved.

Sd. M. Visvesvaraya,

Dewan of Mysore.

"EXTRACT"

Sd. C. Balasundaramiyer

Secretary to Government,
General Department.

WD—156—GPB—1,000—19-7-16.

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat.

S File No. 335 of 1914.

Serial No.

42 To the Assistant Secretary, Branch III, for kindly submitting the file to the First Member of Council with a draft Final Note.

CS Balasundaram 1/10/17

43
Subd with DTN IDSN.
ASR 2/10
NR

44 In favour of approval.
G. Sundaram 3/10

First Member

45 Agreed
3/10 NK

138 3.10.17 43) Fair final Note signed by the First Member is put up.
Pros 3.10.17

1983 4/10/17 Dewan — CS

4/10

19

16

Final Note by the First Member of Council.

Subject:—

Changes in the classification and qualification of Pleaders.

46) The question of revising the classification and the qualification of Legal practitioners in the State has been the subject of representation in the Representative Assembly since the year 1914.

47 2. The several proposals made by the members of the Assembly were first referred to the Chief Court for opinion, and when their suggestions were received, the Local Service Examination Board were consulted in the matter.

48 3. The whole question was then considered at a meeting of the Council, and in accordance with the decisions arrived at, a draft Government order was prepared and it was after further consideration approved with some alterations at their meeting held on 21.9 .17.

49 4. The draft order, which is self-explanatory, may be approved.

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3rd Dec 1917

M. Kantha Rajulu

50 *Submitted to His Highness.*

51 *I submit herewith a Final Note by the* First *Member of Council on the subject of* the changes in the classification and qualifications of pleaders *for His Highness' gracious approval.*

M. Rimmazy

Dewan.

10th Oct 1917.

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C.S (Judl) 18

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Changes in the classification and qualifications of pleaders.

4/34 52

Order.

~~KRW~~

13/10/17

53

14.10.17

24/10

170.
26.10.17.

G.R.S. 12]
General and Revenue Secretariat.

File No. 335 \ of 1904 19

Serial No.

4 To The Resident at court
The Secy. H.H.'s ad Pleader's Examination Board
The D.es of Dists.
The Comptroller to Govt.
The other Heads of Depts.

No. D 1374-1426 22nd Oct 17

Passes orders regarding the classification and qualifications of Legal Practitioners in Mysore.

The Asst Secretary has ordered that a copy of the G.O. may be sent to the Compiler, Mysore Gazette for publication in Part VI thereof. The Typing Section may be requested to kindly type a copy & send before 2 pm as the it has to be despatched to the Compiler immediately. Supdt to supply.

7/11 For terms of compliance.
7/11
Typing Section.)

Submitted

~~[illegible]~~

The fair copy has been Signed by the Asst Secy for issue

7/11
Issued J. 1569 dy 7.11.17

ors—Contn. sheet

GPB—50,000—23-10-05

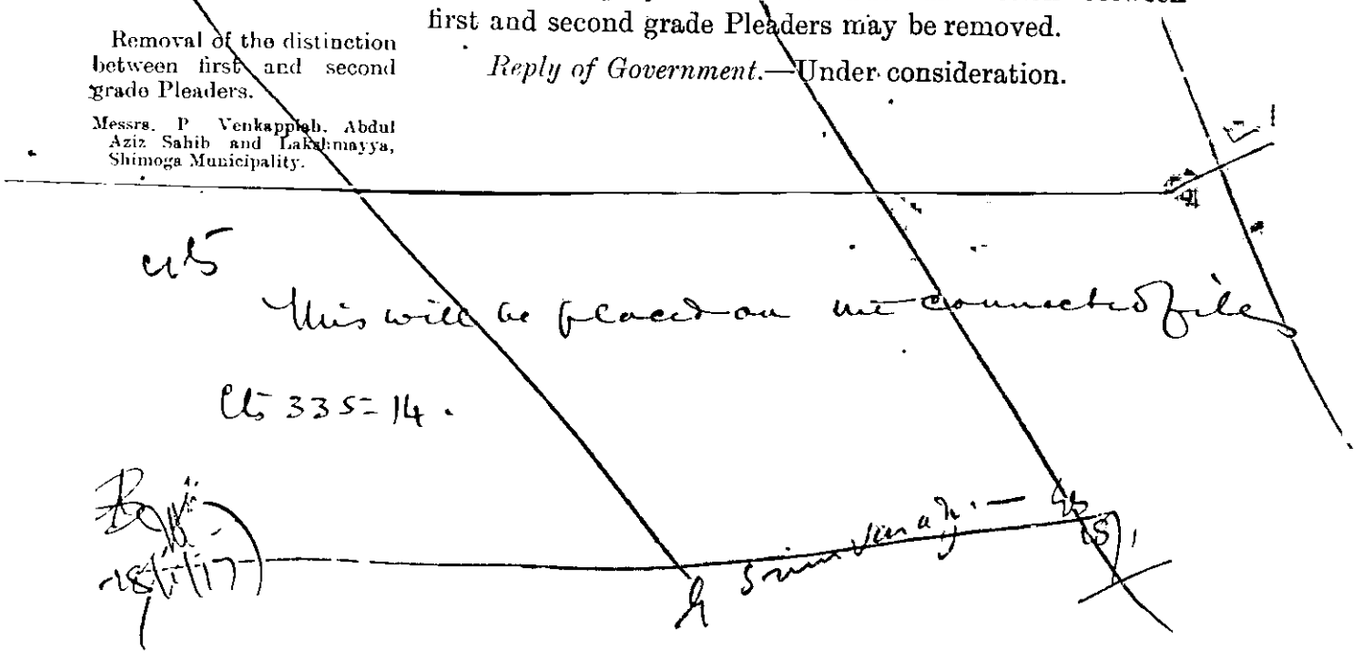
SUBJECT No. 25.

Removal of the distinction between first and second grade Pleaders.

Messrs. P Venkappiah, Abdul Aziz Sahib and Lakshmayya, Shimoga Municipality.

Summary of discussion.—The distinction between first and second grade Pleaders may be removed.

Reply of Government.—Under consideration.



24

classification and qualification of leaders

(heading)

515

Cb File No. 335-14

Serial No. 1 P 27

Diary No. of letter replied to _____

Le. 17 No. J 3752.21

~~Cb 335-14 Ser. 1~~

General and Revenue Secretariat

To The Registrar, Chief Court,

Date of issue 6/5/1915.

Signed by Mr. G. Srinivasa Ayyar

Sir,

I am directed to invite your attention [81, 1

to subject No. 42 (a) of the Proceedings of the Representative Assembly of 19.4.14 and the reply of Government thereto in the matter of the classification and qualifications of leaders

and to request you to be so good as to favour Govt. with the opinion of the Chief Court ~~your opinion~~ in the matter at an early date.

Reminder

List of enclosures _____

Drafted by RL(1/5/15) MM

Copied by _____

Examined by _____

I have, etc.,

For *Secretary to Govt.*

GPB—500—7-11-11

335 C — 91 — Madras

G. R. S. 26]

21

SUBJECT.....

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.....

Diary No. of letter replied to.....

Section Courts

File No. 335-14

Serial No. 2

General and Revenue Secretariat

( )

, *the* 191 .

Letter No. 94364 dt 5.5.16

Date of issue 5. 5. 1916

To

The Registrar, Chief Court,

Signed by Mr. C. Srinivasa Ayyar

Dir.

(81 Oc 2

Adverting to this office letter no. 3752 dt 6th May 1915 calling for the opinion of the Chief Court regarding the classification and qualification of pleaders

Ch 335-14-1

I am directed to state that the subject was again mooted at the last Session of the R. A. And to request that the opinion called for may kindly be

over.

C/10

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Kindly be furnished at an early date. In this connection I am also to invite reference to subject No. 33 of the proceedings of the R. A. of 1915 and to withdrawn & the view that this cannot request that the question of if necessary, exempting from the operation of the next rules, [redacted] persons who constitute qualifying to become pleaders under the existing rules, may be considered.

I have &c.

ES 25/5/16

Sec. Govt.

List of enclosures.

GLK
25/5/16

Copied by

Examined by

GPB—20,000—11-2-14

CHIEF COURT OF MYSORE,

Bangalore,

Dated 25th November, 1916.

DIARY No. J 1138

From

M. T. Gopaliengar Esq., B.A., B.L.,

Registrar of the

Chief Court of Mysore.

To

D. M. Narasinga Rao Esq., B.A., B.L.,

Secretary to the Government of Mysore,

General Department,

Bangalore.

Sir,

Adverting to your letter No. J 3752/cts.335-14-1 dated the 6th of May 1915, inviting the attention of this Court to subject No. 42 (a) of the Proceedings of the Representative Assembly of 1914 and the reply of the Government thereto in the matter of the classification and qualification of pleaders, and inviting the opinion of the Judges in the matter, I am directed to state that the particular proposals on which the opinion of the Chief Court is asked amount to this (1) all pleaders shall be required before admission to have passed the F.A.Examination or Intermediate Examination (2) there shall be no distinction between a first and a second grade pleader but (3) no pleader with less than five years practice shall be entitled to practice before a Subordinate Judge's Court or a District Judge's Court: (4) all pleaders before admission to practice must undergo a period of apprenticeship (apparently in Mysore) and (5) the fees for admission to practice shall be the same for all pleaders.

2. The District Judge of Shimoga Mr. B.S.Krishna swamy Iyengar is the only one of the District Judges who accepts the proposals as they stand. The District Judge of Mysore does not consider any change desirable at present and the District Judge of Bangalore (Mr. Plumer) considers that change is not urgently necessary. Among the Subordinate Judges those of Bangalore (Mr. K. Lakshminarnayya) and Shimoga (Mr. B. Nagappa) are in favour of the proposal but Mr. Subbanna (Subordinate Judge, Mysore) is of opinion that change is unnecessary - though he seems to favour a proposal to raise the standard of general education, and would like to see practice in the higher courts restricted to pleaders who have passed the local examinations in the first class.

3. A considerable number of Munsiffs support the proposals in their entirety and others while not prepared to abolish the distinction between first and second grade pleaders are in favour of raising the standard of general education. Only two appear to be averse to any change.

4. Among the practitioners the Law Association o Bangalore and Mysore prefer the present system, while the lawyers of Tumkur approve of the proposals. The Law Association of Shimoga are not in favour of raising the standard of general education further than to fix the Matriculation or Secondary School Leaving Certificate as a necessary qualification for all pleaders: they would stiffen the technical examination and attach some more practitioners to the Board of Examiners and raise the minimum required for a pass. They approve of the proposa to require apprenticeship.

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5. The lawyers of Chitaldrug and Hole-Narsipur support the proposals and would make first grade pleaders advocates after 10 years or 15 years practice. The Association at Chickmagalur approves of the proposals with the exception of the abolition of the class of second grade pleaders.

6. The present qualifications are laid down in the appendix to the Local Service Examination Rules, and may be said so far as they are material to be the following:--

A first grade pleader must be either a person who has passed the first grade pleadership examination (Rule II (b)) an examination which required matriculation for first grade and Middle School for second grade candidates; or who has passed the F.A., or Intermediate or higher examination of an Indian University and the Revenue, Civil Criminal and Registration local examinations in the first class (IIc); or who is qualified as a first grade pleader in British India (IId) or has practised as a second grade pleader for 5 years to the satisfaction apparently of the Judges before whom he has practised (IIe).

The qualifications for a second grade pleader are found in Rule III:--

They are a pass in the second grade pleadership examination or a pass in the 2nd Class in the Revenue Civil Criminal and Registration examinations together with a pass in the Matriculation or higher examination of an Indian University or a Secondary School Leaving Certificate.

7. From the above it appears that the proposals made in the assembly are not very revolutionary, and they

have

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have received a very considerable amount of support from Judges and lawyers throughout the State.

8. As to proposal (1), to raise the general education qualification for all pleaders higher than the Intermediate Examination does not seem to be required. Some general education is necessary and a knowledge of English is essential as matters are at present, for all the law reporting throughout India is done in English and it would be obviously financially unprofitable to try and translate even the authorized reports into Canarese month by month for the benefit of the pleaders who number now, taking both grades together, not more than 250 or so. But a knowledge of English speech sufficient to enable an argument to be delivered with elegance and accuracy in that language is not essential: if a pleader can read the language and understand what he reads without difficulty, he can maintain his knowledge of current law and practice, and there is no objection to his presenting his case in his mother tongue or the language of the court.

9. And to require too high a standard of general education may in the present state of education in the State reduce the supply of pleaders below that which is necessary for doing the work of the public.

10. The proposal then is reasonable enough, and might be adopted if it is clear that the supply will not be too much reduced as a consequence.

11. Assuming that the present supply of pleaders is adequate, and no representations to the contrary seem to have been made to the Government or the Chief Court, it is probable that if not now, at any rate before the numbers are greatly reduced, the annual supply of men wh

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have

have passed the equivalent of the Intermcdiate Examination, and are taking up the profession of a pleader, may be sufficient to replace casualties and keep the number up roughly to 250. It is practically impossible to arrive at any accurate statistics on the point, but it may not be unfair to expect that the supply of passed men will increase as the Mysore University gets into its stride.

12. It is not therefore improbable at any rate that the raising of the standard would not result in any undue diminution of numbers, and it seems to be a desirable experiment.

13. The second and third proposals do not perhaps go very far from the present system, though there is some importance in the differences.

14. At present two grades of pleaders are admitted under different qualifications: if the proposals are accepted all will be on a par on admission but all those whose practice does not exceed five years will form in effect a second grade restricted like the present second grade to practising in the courts of Munsiffs and Magistrates. At present a second grade pleader can become a first grade pleader after five years' approved practice: if the proposals are accepted he will apparently rise automatically without any check by the courts but he will start on an equality as regards qualification with the present first grade pleader.

15. One possible objection is apparent: under the present rules second grade pleaders who are worth anything can even now become first grade pleaders without further examination (Rule IIe), but under the proposed rule

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rule no young man however able can be admitted to the privileges of the present first grade pleader without first practising for five years. This seems hard on the better men and likely perhaps to deter good men from entering the profession who cannot afford, or are not sufficiently educated, to obtain enrolment as advocates at the outset of their career but are capable of qualifying as first grade pleaders.

16. No doubt the test proposed is not altogether satisfactory: practice may mean hard work and the gaining of experience and legal knowledge, or it may mean conducting a few exparte debt cases and some petty cases in the Magistrates' courts: there are men who have practised as second grade pleaders for more than 5 years who do not do much more now. To admit all men of 5 years standing to practise in the courts of Subordinate Judges and District Judges does not seem more satisfactory than to admit as is done now only those who can pass a severer test, or have won the approval during their practice of the judges who have seen their work. But here it has to be remembered that all pleaders will be expected to reach the present first grade standard before admission at all, so that the quality of advocacy in the higher courts will not really suffer by the change. All pleaders will, so far as qualifications go, be on a par with those who now have the right of audience before District and Subordinate Judges.

17. And it cannot be denied that there is something to be said for restricting junior men to the less important work, and not permitting them to try their prentice hands on appeals and important suits. A wise client will doubtless pick a man of some experience to

represent

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him in a case of any importance, but litigants here have not the advantage of making their selection through a solicitor who knows the bar, and may require some measure of protection.

18. At present this is given by requiring higher qualifications from those entitled to practise in the higher courts. Under the proposals it is to be given by requiring longer experience and at the same time by raising the general qualifications of all to the level of those now required for the first grade only.

19. Thus viewed the proposals seem to be unobjectionable in as much as there will be no reduction in the general standard but rather an improvement (this is of course if the equivalent of the Intermediate Examination is fixed as the standard for all pleaders) and it is only if it be deemed a hardship on young men of some ability to keep them for five years in the munsiffs' courts that any objection can be raised: but virtually the second grade of pleaders will be retained - though nominally it will be abolished, the difference being that a second grade pleader will be a young first grade pleader and not a man of a lower standard educationally.

20. The proposals are thus sufficiently reasonable, unless they are likely to deter useful men from entering the profession; the fear of that does not seem to be present to the various Law Associations and judicial officers who have approved the proposal, and is probably not well founded.

21. The fourth proposal is that all pleaders before admission shall undergo a period of apprenticeship.

There

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There is some difference of opinion among the persons consulted on this point and it might be found difficult to frame satisfactory rules. Apprenticeship is of no great value unless the apprentice is under a man who has a large and varied practice and such men are few in Mysore and probably there would be difficulty in finding good places as apprentices for all would-be pleaders. It seems to be unnecessary to adopt this proposal.

22. The fifth proposal as to equalisation of fees would seem to follow if all candidates are put on a par for admission, but it would perhaps be better, if proposals 2 and 3 are adopted, to require a fee of 10 rupees from those who are entitled to appear only in the Munsiffs and Magistrates' Courts i. e., from the junior pleaders. The fee is payable annually and there is no particular reason why all should be the same.

23. The object of creating a grade of pleaders as distinguished from advocates is doubtless to provide a cheap agency for the smaller courts doing a large amount of petty work which requires only a good knowledge of practice and procedure and only occasionally requires any very special acquaintance with the substantive law. The bulk of the work in the Munsiffs and Magistrates' Courts is of this kind, and for the present at any rate it is necessary to have a class of pleaders who are able to take up profitably work of this sort which cannot as a rule yield high fees, and would not be attractive to advocates who have had an expensive education and prefer to settle where there is more paying and important work.

24. But it does not seem to the Judges that two classes of pleaders are necessary for this purpose. Nor

is

No I Member
in the meeting yesterday
ordered that this
file shd: be subd
to Govt afterwards.
May be kindly
subd to Govt

Dy. No.
21/6

Mr. D: Ranga-
samy Iyengar

Subject:-
Regarding the exact
number of Advocates
& Pleaders.

Returned after
perusal by the member,
as it is no longer
regd

30/6/19

D. 30/6

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is there any advantage in having two classes of practitioners in the courts of District and Subordinate Judges. Provided that there is a sufficient supply of advocates to do the work of all the higher courts, there seems to be no advantage in permitting men of lower qualifications to engage in it.

25. There are now 127 practising advocates entitled to appear in all courts: of these 57 are in Bangalore, 33 in Mysore, 14 in Shimoga and the balance at stations where there are munsiffs courts the largest number practising at any one place being six at Chickmagalur.

26. The number of first grade pleaders is 125, but of these only 57 are practising at places where there are superior courts. It is probable that of the others some carry appeals from their local courts to the superior courts and some take up in the superior courts the more valuable original cases arising in localities where they practise: it is difficult to say whether as the numbers stand at present we have a sufficient supply of advocates for all the work of the superior courts, but it would not be desirable to refuse audience all at once to those who already have the right, and the supply of advocates will probably increase if it is known that in a few years they alone will have the right of audience in the District and Subordinate Courts. Even as it is it is not clear that the 104 advocates now practising in Divisional Head Quarters Stations are insufficient for the work to be done.

27. We seem to have now reached a time when the right to practise in the higher courts may well be reserved for the men who have the qualifications of an advocate,

and

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who ought not perhaps to be exposed to the competition of others who have obtained their certificates with a much less costly education.

28. It is true that this is not what the representatives ask for, and it may be doubted whether it would meet their wishes, and it is true also that in Madras and (probably) in Bombay, practice in District Courts and Courts of Subordinate Judges is not restricted to Vakils of the High Court; but conditions are somewhat different, the District Courts are situated in various places all over the country, and there are stations where there are Sub Courts but no District Court. Here we have three stations only, Bangalore, Mysore and Shimoga; and it is only at Shimoga that there need be any fear of an inadequate supply of advocates if pleaders are allowed as they must be allowed, to practise on the small cause side of the Subordinate Judges' Courts.

29. The question of allowing them to practise also in the Courts of Session may require consideration; provision for the defence of accused persons who are more often than not in very poor circumstances is always a matter of some difficulty. In murder cases the State provides defence if necessary, and that might be extended to other culpable homicide cases, the State defender being always an advocate, but in cases of less importance to the prisoner, when he cannot pay fee which an advocate ought to accept, he might be allowed to employ a pleader. But in criminal cases advocates may take up defence on cheap terms without objection so this may not be necessary, and the Judges would not recommend it unless it is shewn

By experience after a Trial of the Proposed 37
System to be necessary.

by experience after a trial of the proposed system to be necessary.

30. If these views are adopted practitioners would be divided into two classes - advocates and pleaders, the latter class being allowed to practise in the magistrates courts and munsiffs courts and on the small cause side of the higher courts, and the former in all courts.

31. The qualifications required for the admission of advocates would remain as they are or rule I (e) might be modified as suggested by some law associations so as to admit all pleaders whether B.A's or not after say 15 years practice as a pleader subject to the approval of the Chief Court. Those for pleaders would be altered. The Judges think it would be desirable to require all pleaders to pass a pleadership examination prescribed by the Chief Court and not to admit any merely on local service tests as at present in II (e). The local service tests are really intended for candidates for Government service and pleaders could take them after admission, or if the pleadership examinations are conducted by the Government Examination Boards, the Government might be willing to accept a pass in the pleadership examination as equivalent to a pass in the Civil and Criminal examinations so that those desirous of entering Government Service would have only to pass the Revenue and Registration examinations after admission. If Registration is regarded as necessary there may be a paper on it in the pleadership examination, and also a paper on Revenue law.

32. If however the present system is retained and pleaders are allowed to be admitted on passing the examinations prescribed for Local Service, a pass in the first class is desirable and may be required unless after

trial

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trial it is found unduly to reduce the number of candidates.

33. As the rules will not be applied to men at present admitted to practise, and so will not affect the supply of pleaders for some time, the Intermediate Examination or its equivalent may be fixed as the minimum general educational qualification.

34. It is suggested by some officers that there may be hardship on men now qualified for 2nd grade pleaders but not yet admitted, if the rules are altered at once; the operation of the rules may perhaps be suspended in their case but not so as to admit those who are not qualified at the date of the promulgation of the rules merely on the ground that they are in course of qualifying themselves, in expectation that the rules would remain as they are. It may be somewhat hard on such men to have to qualify in a different way, but they have no right to expect the rules to remain unmodified. At the same time it is hard on a man who has given up his university course after matriculating in the belief that he had done all that was necessary, to be now told he must go back to college and pass an Intermediate Examination or F.A.

35. In order to remove this hardship it may be better to admit for, say, 2 years persons who are matriculate at the date on which the rules come into force.

36. A course of lectures on practice and procedure Civil and Criminal may be organised, and a certificate of having taken the course may be made a condition of admission.

37. The question of Mukhtyars remains: there may be criminal courts at Taluq Head Quarter Stations where no pleader can find enough practice to make a living while

there

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there may be inhabitants of the station able to give assistance to parties in the magistrates' courts. At present such men are under the Code of Criminal Procedure admitted to practise at the discretion of the magistrate, but it might be better to abolish them altogether, or to license them on conditions giving power to the senior magistrate of the station where they practise to suspend the license for good cause. The Judges have not however consulted Magistrates on this question, as it was not raised by the representatives and it may be held over for future consideration.

38. The Judges believe that the scheme outlined in paragraphs 30 to 36 above is preferable to that on which their opinion is asked, and for that reason submit it for the consideration of the Government. If it is approved generally detailed rules will be drawn up, and such amendments of the law as may be necessary will be suggested.

I have the honour to be,

Sir,

Your most obedient servant,

N. Nathaniel

Registrar.

G.P.

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Reading Papers

12 18/W

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read-

No. 42 of 1914.
No. 16 of 1915.
No. 33 of 1915.
No. 25 of 1916.

x
The marginally noted subjects of the Representative Assembly regarding the classification and qualifications of legal practitioners in Mysore.

2. Correspondence ending with letter No. R. Dis. 34 dated 28th November 1916 from the Registrar, Chief Court, furnishing the views and suggestions of the Judges in the matter.

ORDER No. F 1377-1426 Cls 335-14-4
Dated 22. 10. 1917.
(81. nd. 4.

The suggestions made by the members of the Representative Assembly are as follows:-

(i) Only those who have passed the F.A. or the Intermediate Examination should be permitted to appear for the Pleadership Examination.

(ii) The distinction between the First and Second grade pleaders should be abolished.

(iii) All pleaders should undergo a period of apprenticeship before enrolment.

(iv) Those who have qualified themselves in part should be exempted under the new rules.

May this be
(i) Printed ? Yes
(ii) Treated as a Standing order? Yes
(iii) published in the Gazette English part ?
(iv) translated ? } No
(v) placed at the disposal of the Press? Yes
(vi) published in the Gazette Kannada Part ? No.

24/(7) 19/10

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2. The Chief Court, while generally approving of the above suggestions, except No. (iii) which they think is unnecessary, have submitted the following additional proposals in the matter:-

(a) That pleaders should be permitted to practise only in the courts of munsiffs and magistrates and on the small cause side of the higher courts, or as an alternative -

(b) that no pleader with less than five years' practice shall practice in the District Court.

(c) That the Pleadership Examination should be conducted by the Chief Court or, in case the present system is to continue, a pass in the first class should be prescribed.

3. On a careful consideration of all the above proposals and, in consultation with the Local Service and Pleadership Examination Board, Government have arrived at the following conclusions:-

(i) That there shall be only one class of pleaders corresponding to the present I grade, and that there shall be no addition to the class of the Second grade pleaders except as provided in paragraph 5 below, and that the existing privileges of the Second grade pleaders shall continue as heretofore, till that class of pleaders ceases to exist.

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(ii). That the minimum qualification for admission to the Pleadership Examination shall be the ~~University Entrance Examination of~~ the Mysore University for the Intermediate Examination of ~~the~~ British Indian Universities; ~~that after 3 years~~

~~(iii) That the Local Service Examinations shall be separated from the Pleadership Examination, the latter being conducted by the Chief Court, and~~

(~~iv~~) That the existing privileges allowed to I grade pleaders, viz., of practising in all the Courts except the Chief Court, and of being enrolled as Advocates under certain conditions be continued to the new class of pleaders under similar conditions.

4. The Chief Court is requested to submit to Government amendments to the existing law and rules so as to give effect to the above decisions.

5. In the case of persons who are qualified to become 2nd grade pleaders but not yet admitted as such and those who have partly qualified themselves under the existing rules, and those who have matriculated or taken the Secondary School Leaving Certificate, a period of two years will be allowed for enabling them to get themselves enrolled as 2nd grade pleaders.

Secretary to Govt.,
Genl. Deptt.

39.

To

The Registrar, Chief Court.

The Secretary, Mysore Local Service and Pleadership Examination Board

The Deputy Commissioners of Districts for communication to the R.A. members concerned.

The Comptroller to Government

The other Heads of Departments.

Copy to Dasara Section and Branches V-VII

The Press Table.

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Previous references.

FILE No. 335 OF 1914.

Later reference Cts. 171-17 Serials 1-3.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

PROCEEDINGS OF THE GENERAL AND REVENUE SECRETARIAT.

JUDICIAL AND LEGISLATIVE.

(Courts).

"A" Collection: Serial Nos. 1 to 4.

Classification and Qualification of Pleaders.

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2	Letter No. J. 4364, dated 5th May 1916, to the Registrar, Chief Court.	..	...
	Inviting opinion of the Judges of the Chief Court, also in the matter of exempting, if necessary, from the operation of the new rules, persons who contemplate qualifying to become Pleaders under the existing rules.	..	6
3	Letter No. R. Dis. 34, dated 25—28th November 1916, from the Registrar, Chief Court.	..	...
	Furnishing the opinions of the Judges on the subject.	..	6
4	Government Proceedings No. J. 1377-1426—Cts. 335-14-4, dated 22nd October 1917.	..	..
	Passing orders regarding the classification and qualifications of Legal Practitioners in Mysore.	..	10

GENERAL AND REVENUE SECRETARIAT.

(COURTS.)

NOTES.

File No. 335-14 of 1914.

Classification and Qualification of Pleader.

SUBJECT No. 42-14.

Classification and qualification of Legal Practitioners

(*a*) Messrs. C. Chennakesavaiya, Krishi Silpabhi Vardhaka Samaj, Chitaldrug and Sanjeeva Rao, Chitaldrug Taluk, and

(*b*) Mr. Volahatti Devappa, Gundlupet Taluk.

Summary of discussion.—(*a*) At present, there are 3 classes of practitioners, Advocates, First Grade Pleaders and Second Grade Pleaders. Many Second Grade Pleaders are in no way inferior to some First Grade Pleaders. The Matriculation Examination is superseded by the School Leaving Certificate Examination. Now those who have passed the Matriculation Examination can appear for the Pleaders' Test. As Matriculation is given up here, it may be ruled that only those who have passed the F.A. or the Intermediate Examination be allowed to appear for the Pleaders' Test and that there shall be only 2 classess of legal practitioners—Advocates and Pleaders—the distinction of 1st and 2nd grade being abolished. Before a person is permitted to enrol himself as a Pleader he should produce a certificate of apprenticeship for one year under any Advocate or Pleader who has had an approved practice of 5 years in the courts of Munsiffs and Magistrates of a district. He should also be permitted to appear and plead and act in all Sub-Courts and District and Sessions Courts. The fee for the annual certificates may be the same for all Pleaders.

(*b*) It is requested that, besides Matriculates, persons who pass the School Final Examination may be permitted to appear for the Pleadership Examination.

Mr. Channakesavaiya said that, as the Secondary School Leaving Certificate does not declare a candidate as having passed the examination, the First in Arts or the Intermediate should be made the minimum qualification for admission to the Pleadership Examination. *Mr. D. Venkataramaiya* represented that the standard of educational qualifications necessary for lawyers should be raised while *Mr. Girimagi Rao* pointed out that in Bombay, Matriculates could become High Court Vakils and that the standard of general education required of the candidates need not be raised.

Reply of Government—

(*a*) Noted for consideration.

(*b*) This has been done.

1. Submitted with a draft.

N. N.

4-5-15.

2. Issue.

G. SRINIVASAIYER,

4-5-15.

SERIAL No. 1. *To—The Registrar Chief Court No. J. 3752, dated 6th May 1915.*

Invites the opinions of the Judges of the Chief Court in the matter of the classification and qualification of Pleaders.

SUBJECT No. 16-15.

Removal of distinction between First and Second grade Pleaders.

Mr. B. Kesavaiya, Chikmagalur taluk.

Summary of discussion.—The distinction between First and Second grade Pleaders may be removed.

Reply of Government.—The whole question is under the consideration of Government.

SUBJECT No. 33-15.

Pleaders' Examination

Messrs. H. Krishna Sastri, Krishnarajpete Taluk, Venkatasamiah Chamrajnagar Taluk, Sivaramiah, Hunsur Taluk, and M. D. Narasimha Iyengar, Sri Yadugiri Sadananda Vardhini Sabha, Melkote.

Summary of Discussion.—Matriculates are allowed to appear for the Local Service and Pleaders' Examinations. It is understood that Government contemplate that only candidates who have passed Intermediate Examination should be allowed to appear for it. As there is a number of candidates who have already passed some of the examinations in view to qualify themselves as Pleaders, those who have already passed a portion of the Local Service and Pleaders' Examinations may be exempted from the operation of the rules under consideration.

Mr. B. V. Narayana Rao said that no examination higher than the Matriculation need be insisted upon.

Reply of Government.—Will be noted for consideration.

3. Submitted with a draft to the Registrar, Chief Court.

N. N.

2-5-16.

4. Issue.

G. SRINIVASA IYER,

3-5-16.

Serial No. 2.—To the Registrar, Chief Court, No. J. 4354, dated 5th May 1916.

Calls for the opinion of the Judges of the Chief Court regarding the classification and qualification of pleaders and also their views on the question of exempting persons contemplating to qualify under the existing rules from the operation of the new rules.

Serial No. 3.—From the Registrar, Chief Court, R. Dis. 34, dated 25-28th November 1916:

Furnishes the opinion called for.

5. The exhaustive communication deals not only with the subjects of the Representative Assembly referred for opinion, but also an alternative proposal for holding a Pleadership Examination to be prescribed by the Chief Court is made. It is said that the Judges prefer the latter and that detailed proposals would be made if Government should approve of it.

6. As regards the Representative Assembly subjects themselves, it is said that the Judges are in favour of (1) raising the general educational qualification to the F. A. or Intermediate standard, (2) abolishing the distinction between First and Second Ggrade Pleaders and (3) restricting Pleaders of less than 5 years standing to the Courts of Munsiffs and Magistrates; that as regards uniform scale of fees they consider that Rs. 10. may be levied from Pleaders if proposals 1 to 3 are adopted and that there is no particular reason why it should be the same in all cases and that they do not think it necessary for candidates to undergo any course of apprenticeship.

7. As pointed out in the letter itself, the restriction of the right of audience of Pleaders to the Courts of Munsiffs and Magistrates is not what is prayed for in the Representative Assembly.

8. As regards the bringing of the new rules into operation a period of 2 years is proposed for those contemplating to qualify under the present rules. Petitions have been received asking for a grace of 5 years.

Submitted for orders.

N. N.

22-12-16

9. The Dasara Representative Assembly representations refer to the following points:—

(1) Only those who have passed the F. A. or the Intermediate Examination should be permitted to appear for Pleadership Examination.

(2) The distinction between the First and Second Grade Pleaders should be abolished.

(3) All Pleaders should undergo a period of apprenticeship before enrolment.

(4) Fees for annual certificates should be the same.

(5) If rules are modified, those who have already qualified themselves in part should be exempted.

10. In regard to the first point, there was some protest on the part of some of the Representative Assembly members for raising the general qualifications under the existing rules, a Matriculate or one who has a completed School Leaving Certificate can appear for

the Second Grade Pleadership Examination. In British India, admission to the Second Grade ceased years ago, and the minimum educational qualification prescribed for First Grade is that of a graduate. As observed by the Chief Court, some general education is necessary and a knowledge of English is essential as all the law reporting is done in English. The question is what standard may be fixed. The Chief Court are in favour of raising the standard as proposed in the Dasara Representative Assembly. The suggestion, if approved, may be adopted, and the necessary modifications may be introduced in the rules, the corresponding examination in the Mysore University may also be mentioned.

11. The Chief Court are not in favour of the apprenticeship and as there is no analogy for such course anywhere in British India, the proposal may have to be rejected.

12. Along with the second proposal the Chief Court also have considered the question that no Pleader with less than five years' practice shall practice in the Sub-Court or the District Court.

13. The raising of the standard will naturally abolish the distinction between the two grades unless the second point raised above is sanctioned. The Judges have very clearly pointed out both the disadvantages and the advantages of adopting the suggestion, and though they seem to side with the law associations and some of the judicial officers who have approved of the proposal, they have raised sufficient doubts as to the utility of the test proposed. There does not appear to be any such test by lapse of time anywhere in British India. The examination and general qualification test being the same, mere efflux of time, irrespective of other qualification does not appear to be a proper criterion for differentiating one class of Pleaders from the other.

14. If Pleaders with less than five years' experience are not given full privileges as proposed above, then the Chief Court recommend that a fee of only Rs. 10 be recovered from them. Otherwise, there will be uniformity and no change is required.

15. The Chief Court have favoured also the fifth point, and if the standard is raised as proposed, it seems but equitable that one or two years' time is given to those who *have already partly qualified* themselves for the profession under the existing rules.

16. The Chief Court suggest also one or two other proposals for the consideration of Government. They are: —

(1) Pleaders should be permitted to practise only in the Munsiff's Courts and the Magistrate's Courts and on the Small Cause side of the Higher Courts and the Advocates in all courts.

(2) It is desirable that Pleadership Examination should be conducted by the Chief Court, but that if the present system is retained, a pass in the first class may be prescribed.

17. The first suggestion appears to be somewhat revolutionary in character. Even in British India where the number of the law graduates is increasing year by year, the Pleaders have not been prohibited from appearing in the Sub-Courts and the District Courts. The suggestion is not likely to meet with the approval of the public and they have had no opportunity of representing their case. If approved, this proposal may be further considered after some years in consultation with the members of the bar and of the Representative Assembly.

18. In regard to the second suggestion, it may be pointed out that there are not sufficient number of candidates for the Pleadership Examination for conducting a separate examination. The cost will be prohibitive. If the Second Grade Pleadership Examination is abolished as proposed above, then even under the existing rule, the candidates are required to pass in the first class in all the subjects before they can be admitted as First Grade Pleaders. No modification will therefore be necessary on this point.

19. If the above views are approved, then amendments in the Legal Practitioners Regulation and the Rules will be necessary.

20. Submitted for favour of orders.

G. SRINIVASA IYER,
21-2-17.

21. Let us consult the Local Service Examination Board on these suggestions on the 14th instant when we meet. These papers need not be circulated as there is not time enough for that.

M. KANTHARAJ URS.
10-4-17.

22. The Local Service and Pleadership Examination Board met on the 14th instant, and they are of opinion:—

(1) That there shall be only one class of Pleaders, *viz.*, the First Grade;

(2) That the minimum qualification for admission to the examination shall be the B. A. Degree as in Madras;

(3) That the Service Examination shall be separated from the Pleadership Examination, and that the latter shall be conducted by the Chief Court;

(4) That other restrictions by way of apprenticeship, limiting his practice to particular cases shall not be imposed; and

(5) That he shall continue to have the same privileges of practising in all courts except the Chief Court, and of being enrolled as an Advocate after five years' practice.

G. SRINIVASA IYER,
17-4-17.

23. Approved. Please take further action.

M. KANTHARAJA URS.
18-4-17.

24. May be circulated and considered at a meeting of Council.

B. RAMASWAMAIYA.
20-4-17.

25. Yes.

M. VISVESVARAYA.
3-7-17.

26. Council section Circulate.

D. M. NARASINGA RAO.
3-7-17.

Subject.—Clause VIII of the Schedule.

27. Proposals for certain changes in the classification and qualification of Pleaders.

28. Points raised in council.

(1) What is to become of present Second Grade Pleaders? Will they remain as they are until they die out?

(2) By fixing University Entrance are we lowering general education qualification?

(3) What should be the rule *re* Pleaders becoming Advocates?

29. Answers.

(1) Yes. Their vested rights will remain unaffected till they die out.

(2) Yes. Now the Intermediate or the F. A. is the minimum qualification required for the first grade. We may have the B.A. as in Madras and the 1st year University Examination.

(3) Under the existing rules, he should be a graduate First Grade Pleader for five years.

(4) As there will not be sufficient number of candidates for First Grade Pleaders, it is a point for orders whether a separate body and a separate examination are necessary especially as under the existing rules, no one can be a First Grade Pleader unless he takes a first class in all the examinations.

G. SRINIVASA IYER.
21-9-17.

Opinion of the Council.

30. Note. The Second Grade of Pleaders may be abolished.

31. The general education qualification may be the University Entrance Examination.

32. The Pleadership Examination will be conducted by the Chief Court.

33. Draft order on these lines and bring up at next meeting.

C. S. BALASUNDARAM IYER.
14-9-17.

34. Assistant Secretary. Please put up a draft order on the above lines.

C. S. BALASUNDARAM IYER.
14-9-17.

35. Submitted with a draft Government Order.

G. SRINIVASA IYER.
18-9-17.

36. The file is re-circulated to Council, with a draft order, as directed at the last meeting.

C. S. BALASUNDARAM IYER,
24-9-17.

37. Approved.

M. KANTHARAJA URS,
24-9-17.

38. Approved.

A. R. BANERJI,
25-9-17.

39. Extract from the Proceedings of the 433rd Meeting of the Council of His Highness the Maharaja, held at Bangalore, on the 27th September 1917.

40. 3. Subject.—Clause viii of the Schedule,
Changes in the classification and qualification of Pleaders.

Opinion of the Council.

41. The draft order may be approved.

M. VISVESVARAYA,
Dewan of Mysore.

42. To the Assistant Secretary, Branch III, for kindly submitting the file to the First Member of Council with a draft Final Note.

C. S. BALASUNDARAM IYER,
1-10-17.

43. Submitted with D. F. N. & D. S. N.
A. S. R.
2-10-17.
N. N.

44. For favour of approval.

G. SRINIVASA IYER,
2-10-17.

45. Approved.

M. KANTHARAJA URS,
3-10-17.

Final Note by the First Member of Council.

SUBJECT.—Changes in the classification and qualification of Pleaders.

46. The question of revising the classification and the qualification of Legal Practitioners in the State has been the subject of representation in the Representative Assembly since the year 1914.

47. (2) The several proposals made by the members of the Assembly were first referred to the Chief Court for opinion, and when their suggestions were received, the Local Service Examination Board were consulted in the matter.

48. (3) The whole question was then considered at a meeting of the Council, and in accordance with the decisions arrived at, a draft Government Order was prepared and it was after further consideration approved with some alterations at their meeting held on 21st September 1917.

49. (4) The draft order, which is self-explanatory, may be approved.

M. KANTHARAJA URS,
3-10-17.

50. *Submitted to His Highness.*

51. I submit herewith a Final Note by the First Member of Council on the subject of the changes in the classification and qualification of Pleaders for His Highness' gracious approval.

M. VISVESVARAYA,
Dewan.
10-10-17.

Subject.

Changes in the classification and qualification of Pleaders.

52.

Order

K. R. W.

His Highness the Maharaja.

53. Issue.

13-10-17.

C. S. BALASUNDARAM IYER,
17-10-17.

SERIAL NO. 4.—*To the Registrar, Chief Court, the Secretary, Mysore Local Service and Pleaders' Examination Board, the Deputy Commissioners of Districts, the Comptroller to Government and the other Heads of Departments. No. J. 1377-1426, dated 22nd October 1917.*

Passes orders regarding the classification and qualification of Legal Practitioners in Mysore.

Classification and qualification of Pleaders.

FILE NO. 335-14.

Letter No. J. 3752, dated 6th May 1915, to the Registrar, Chief Court.

I am directed to invite your attention to subject No. 42(a) of the Proceedings of the Representative Assembly of 1914 and the reply of Government thereto in the matter of the classification and qualification of Pleaders and to request you to be so good as to favour Government with the opinion of the Chief Court in the matter at an early date. **Serial No. 1**

Letter No. J, 4364, dated 5th May 1916, to the Registrar, Chief Court.

Adverting to this office letter No. J. 3752—Cts. 335-14-1, dated 6th May 1915, calling for the opinion of the Chief Court regarding the classification and qualification of Pleaders, I am directed to state that the subject was again mooted at the last Session of the Representative Assembly and to request that the opinion called for may kindly be furnished at an early date. In this connection I am also to invite reference to subject No. 33 of the proceedings of the Representative Assembly of 1915 and to request also to favour Government with the views of the Chief Court on the question of exempting, if necessary to from the operation of the new rules, persons who contemplate qualifying to become Pleaders under the existing rules. **Serial No. 2**

Letter No. R. Dis. 34, dated Bangalore, 25th—28th November 1916, from the Registrar of the Chief Court of Mysore, to Secretary to the Government of Mysore, General Department, Bangalore.

Adverting to your letter No. J. 3752—Cts. 335-14-1, dated the 6th of May 1915, inviting the attention of this Court to subject No. 42 (*a*) of the Proceedings of the Representative Assembly of 1914 and the reply of the Government thereto in the matter of the classification and qualifiation of Pleaders and inviting the opinion of the Judges in the matter, I am directed to state that the particular proposals on which the opinion of the Chief Court is asked amount to this (1) all Pleaders shall be required before admission, to have passed the F. A. Examination or Intermediate Examination (2) there shall be no distinction between a First and a Second Grade Pleader but (3) no Pleader with less than five years' practice shall be entitled to practice before a Subordinate Judge's Court or a District Judge's Court: (4) all Pleaders before admission to practice, must undergo a period of apprenticeship (apparently in Mysore) and (5) the fees for admission to practice shall be the same for all Pleaders.

2. The District Judge of Shimoga Mr. B. S. Krishnaswamy Iyengar is the only one of the District Judges who accepts the proposals as they stand. The District Judge of Mysore does not consider any change desirable at present and the District Judge of Bangalore (Mr. Plumer) considers that change is not urgently necessary. Among the Subordinate Judges those of Bangalore (Mr. K. Lakshminarnayya) and Shimoga (Mr. B. Nagappa) are in favour of the proposal but Mr. Subbanna (Subordinate Judge, Mysore) is of opinion that change is unnecessary though he seems to favour a proposal to raise the standard of general education, and would like to see practice in the higher courts restricted to Pleaders who have passed the local examinations in the first class.

3. A considerable number of Munsiffs support the proposals in their entirety and others while not prepared to abolish the distinction between First and Second Grade Pleaders are in favour of raising the standard of general education. Only two appear to be averse to any change.

4. Among the practitioners, the Law Association of Bangalore and Mysore prefer the present system, while the lawyers of Tumkur approve of the proposals. The Law Association of Shimoga are not in favour of raising the standard of general education further than to fix the Matriculation or Secondary School Leaving Certificate as a necessary qualification for all Pleaders: they would stiffen the technical examination and attach some more practitioners to the Board of Examiners and raise the minimum required for a pass. They approve of the proposal to require apprenticeship.

5. The lawyers of Chitaldrug and Hole-Narsipur support the proposals and would make First Grade Pleaders Advocates after 10 years or 15 years' practice. The Association at Chickmagalur approves of the proposals with the exception of the abolition of the class of Second Grade Pleaders.

Cassification and qualification of Pleaders.

6. The present qualifications are laid down in the appendix to the Local Service Examination Rules, and may be said so far as they are material to be the following:—

A First Grade Pleader must be either a person who has passed the First Grade Pleadership Examination (Rule II (b) an examination which required Matriculation for First Grade and Middle School for Second Grade candidates; or who has passed the F.A. or Intermediate or higher examination of an Indian University and the Revenue, Civil, Criminal and Registration Local Examinations in the First Class (IIc); or who is qualified as a First Grade Pleader in British India (IId) or has practised as a Second Grade Pleader for 5 years to the satisfaction apparently of the Judges before whom he has practised (IIe).

The qualifications for a Second Grade Pleader are found in Rule III:—

They are a pass in the Second Grade Pleadership examination or a pass in the Second Class in the Revenue, Civil, Criminal and Registration Examinations together with a pass in the Matriculation or higher examination of an Indian University or a Secondary School Leaving Certificate.

7. From the above it appears that the proposals made in the assembly are not very revolutionary, and they have received a very considerable amount of support from Judges and lawyers throughout the State.

8. As to proposal (1), to raise the general education qualification for all Pleaders higher than the Intermediate Examination does not seem to be required. Some general education is necessary and a knowledge of English is essential as matters are at present, for all the law reporting throughout India is done in English and it would be obviously financially unprofitable to try and translate even the authorized reports into Kanarese, month by month for the benefit of the Pleaders who number now, taking both grades together, not more than 250 or so. But a knowledge of English speech sufficient to enable an argument to be delivered with elegance and accuracy in that language is not essential: if a Pleader can read the language and understand what he reads without difficulty, he can maintain his knowledge of current law and practice, and there is no objection to his presenting his case in his mother tongue or the language of the court.

9. And to require too high a standard of general education may, in the present state of education in the State, reduce the supply of Pleaders below that which is necessary for doing the work of the public.

10. The proposal then is reasonable enough, and might be adopted if it is clear that the supply will not be too much reduced as a consequence.

11. Assuming that the present supply of Pleaders is adequate, and no representations to the contrary seem to have been made to the Government or the Chief Court, it is probable that if not now, at any rate before the numbers are greatly reduced, the annual supply of men who have passed the equivalent of the Intermediate Examination, and are taking up the profession of a Pleader, may be sufficient to replace casualties and keep the number up roughly to 250. It is practically impossible to arrive at any accurate statistics on the point, but it may not be unfair to expect that the supply of passed men will increase as the Mysore University gets into its stride.

12. It is not therefore improbable at any rate that the raising of the standard would not result in any undue diminution of numbers, and it seems to be a desirable experiment.

13. The second and third proposals do not perhaps go very far from the present system, though there is some importance in the differences.

14. At present two grades of Pleaders are admitted under different qualifications: if the proposals are accepted all will be on a par on admission but all those whose practice does not exceed five years will form in effect a second grade restricted like the present second grade to practising in the courts of Munsiffs and Magistrates. Atpresent a Second Grade Pleader can become a First Grade Pleader after five years' approved practice: if the proposals are accepted he will apparently rise automatically without any check by the courts but he will start on an equality as regards qualification with the present First Grade Pleader.

15. One possible objection is apparent: under the present rules Second Grade Pleaders who are worth anything can even now become First Grade Pleaders without further examination (Rule IIe), but under the proposed rule no young man, however able, can be admitted to the privileges of the present First Grade Pleader without first practising for five years. This seems hard on the better men and likely perhaps to deter good men from entering the profession who cannot afford, or are not sufficiently educated, to obtain enrolment as Advocates at the outset of their career but are capable of qualifying as First Grade Pleaders.

Classification and qualification of Pleaders.

25. There are now 127 Practising Advocates entitled to appear in all Courts: of these 57 are in Bangalore, 33 in Mysore, 14 in Shimoga and the balance at stations where there are Munsiffs Courts, the largest number practising at any one place being six at Chickmagalur.

26. The number of First Grade Pleaders is 125, but of these only 57 are practising at places where there are superior Courts. It is probable that of the others some carry appeals from their local Courts to the superior Courts and some take up in the superior Courts the more valuable original cases arising in localities where they practise: it is difficult to say whether as the numbers stand at present we have a sufficient supply of Advocates for all the work of the superior Courts, but it would not be desirable to refuse audience all at once to those who already have the right, and the supply of Advocates will probably increase if it is known that in a few years they alone will have the right of audience in the District and Subordinate Courts. Even as it is, it is not clear that the 104 Advocates now practising in Divisional Headquarters Stations are insufficient for the work to be done.

27. We seem to have now reached a time when the right to practise in the higher Courts may well be reserved for the men who have the qualifications of an Advocate, and who ought not perhaps to be exposed to the competition of others who have obtained their certificates with a much less costly education.

28. It is true that this is not what the representatives ask for, and it may be doubted whether it would meet their wishes, and it is true also that in Madras and (*probably*) in Bombay of practice in District Courts and Courts of Subordinate Judges is not restricted to Vakils of the High Court; but conditions are somewhat different, the District Courts are situated in various places all over the country, and there are stations where there are Sub-Courts but no District Court. Here we have three stations only, Bangalore, Mysore and Shimoga; and it is only at Shimoga that there need be any fear of an inadequate supply of Advocates if Pleaders are allowed as they must be allowed, to practise on the small cause side of the Subordinate Judges' Courts.

29. The question of allowing them to practise also in the Courts of Session, may require consideration; provision for the defence of accused persons who are more often than not in very poor circumstances is always a matter of some difficulty. In murder cases, the State provides defence, if necessary, and that might be extended to other culpable homicide cases, the State defender being always an Advocate, but in cases of less importance to the prisoner, when he cannot pay fee which an Advocate ought to accept, he might be allowed to employ a Pleader. But in criminal cases Advocates may take up defence on cheap terms without objection; so this may not be necessary, and the Judges would not recommend it unless it is shewn by experience after a trial of the proposed system to be necessary.

30. If these views are adopted, practitioners would be divided into two classes, Advocates and Pleaders, the latter class being allowed to practise in the Magistrates Courts and Munsiffs Courts and on the small cause side of the Higher Courts, and the former in all Courts.

31. The qualifications required for the admission of Advocates would remain as they are or rule I (e) might be modified as suggested by some law associations so as to admit all Pleaders whether B. A.'s or not after say 15 years' practice as a Pleader subject to the approval of the Chief Court. Those for Pleaders would be altered. The Judges think it would be desirable to require all Pleaders to pass a Pleadership Examinations prescribed by the Chief Court and not to admit any merely on local service tests as at present in II(e). The Local Service Tests are really intended for candidates for Government service and Pleaders could take them after admission, or if the Pleadership Examinations are conducted by the Government Examination Boards, the Government might be willing to accept a pass in the Pleadership Examination as equivalent to a pass in the Civil and Criminal Examinations so that those desirous of entering Government service would have only to pass the Revenue and Registration Examinations after admission. If Registration is regarded as necessary there may be a paper on it in the Pleadership Examination, and also a paper on revenue law.

32. If however the present system is retained and Pleaders are allowed to be admitted on passing the examinations prescribed for Local Service, a pass in the first class is desirable and may be required unless after trial it is found unduly to reduce the number of candidates.

33. As the rules will not be applied to men at present admitted to practise, and so will not affect the supply of Pleaders for some time, the Intermediate Examination or its equivalent may be fixed as the minimum general educational qualification.

34. It is suggested by some officers that there may be hardship on men now qualified for Second Grade Pleaders but not yet admitted, if the rules are altered at once; the operation of the rules may perhaps be suspended in their case but not so as to admit those who are not qualified at the date of the promulgation of the rules merely on the ground that they are in course of qualifying themselves, in expectation that the rules would remain as they are. It may be somewhat hard on such men to have to qualify in a different way but they have no right to expect the rules to remain unmodified. At the same time it is hard on a man who has given up his university course after matriculating in the belief that he had done all that was necessary, to be now told he must go back to college and pass an Intermediate Examination or F. A.

35. In order to remove this hardship it may be better to admit for, say, 2 years persons who are Matriculates at the date on which the rules come into force.

36. A course of lectures on practice and procedure, Civil and Criminal, may be organised, and a certificate of having taken the course may be made a condition of admission.

37. The question Mukhtyars remains: there may be Criminal Courts at taluk head-quarter stations where no Pleader can find enough practice to make a living while there may be inhabitants of the station able to give assistance to parties in the Magistrates' Courts. At present such men are under the Code of Criminal Procedure admitted to practise at the discretion of the Magistrate, but it might be better to abolish them altogether, or to license them on conditions giving power to the senior Magistrate of the station where they practise to suspend the license for good cause. The Judges have not however consulted Magistrates on this question, as it was not raised by the representatives and it may be held over for future consideration.

38. The Judges believe that the scheme outlined in paragraph, 30 to 36 above is preferable to that on which their opinion is asked, and for that reason submit it for the consideration of the Government. If it is approved generally, detailed rules will be drawn up, and such amendments of the law as may be necessary will be suggested.

Government of His Highness the Maharaja of Mysore.

READ—

The marginally noted subjects of the Representative Assembly, regarding the classification and qualifications of Legal Practioners in Mysore.

No. 42 of 1914
No. 16 of 1915
No. 31 of 1915
No. 25 of 1916

2. Correspondence ending with letter No. R. Dis. 34, dated 28th November 1916, from the Registrar, Chief Court, furnishing the views and suggestions of the Judges in the matter.

Order No. J. 1377-462—Cts. 335-14-4, dated 22nd October 1917.

The suggestions made by the members of the Representative Assembly are as follows:—

(i) Only those who have passed the F.A. or the Intermediate Examination should be permitted to appear for the Pleadership Examination.

(ii) The distinction between the First and Second Grade Pleaders should be abolished.

(iii) All Pleaders should undergo a period of apprenticeship before enrolment.

(iv) Those who have qualified themselves in part should be exempted under the new rules.

2. The Chief Court, while generally approving of the above suggestions, except No. (iii) which they think is unnecessary, have submitted the following additional proposals in the matter:—

(*a*) That Pleaders should be permitted to practise only in the courts of Munsiffs and Magistrates and on the small cause side of the Higher Courts, or as an alternative,

(*b*) that no Pleader with less than five years' practice shall practise in the District Court, and

(*c*) That the Pleadership Examination should be conducted by the Chief Court or, in case the present system is to continue, a pass in the first class should be prescribed.

3. On a carefull consideration of all the above proposals and, in consultation with the Local Service and Pleadership Examination Board, Government have arrived at the following conclusions:—

(i) That there shall be only one class of Pleaders corresponding to the present First Grade, that there shall be no addition to the class of the Second Grade Pleaders except as provided in paragraph 5 below, and that the existing privileges of the Second Grade Pleaders shall continue as heretofore, till that class of Pleaders ceases to exist.

(ii) That for a period of three years from now the minimum qualification for admission to the Pleadership Examination shall be a pass in the examination at the end of the first year of the College course of the Mysore University or the Intermediate Examination of British Indian Universities;

(iii) That the existing privileges allowed to First Grade Pleaders, *viz.*, of practising in all the courts except the Chief Court, and of being enrolled as Advocates under certain conditions be continued to the new class of pleaders under similar conditions.

4. The Chief Court is requested to submit to Government amendments to the existing law and rules so as to give effect to the above decisions.

Classification and qualification of Pleaders.

5. In the case of persons who are qualified to become Second Grade Pleaders but not yet admitted as such and those who have partly qualified themselves under the existing rules, and those who have Matriculated or taken the Secondary School Leaving Certificate, a period of two years will be allowed for enabling them to get themselves enroled as Second Grade Pleaders.

C. S. BALASUNDARAM IYER.
Chief Secretary to Government.

To—The Registrar, Chief Court of Mysore.
The Secretary, Mysore Local Service and Pleadership Examination Board.
The Deputy Commissioners of Districts, for communication to the Representative Assembly members concerned.
The Comptrollor, Mysore Government.
The other Heads of Departments.
PRESS TABLE.

Exd.—A. M. K.